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12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14 ERNESTO MANUEL GONZALEZ, an
15 individual, JAMES PATRICK GILLESPIE, an
16 individual, CESAR VAQUERA MORALES, an
17 individual, DIEGO CHAVEZ GARCIA, an
18 individual, and BRADLEY CAMPOS, an
19 individual,

20 CASE NO.: 2:22-cv-00328-JCM-EJY

21 **PLAINTIFFS' MOTION FOR
22 EXTENSION OF TIME TO SERVE
23 PROCESS ON DEFENDANT DAVID N.
24 KARPEL**

25 (First Request)

26 vs.

27 UNITED STATES OF AMERICA, DAVID N.
28 KARPEL, individually, DOES 1 through 100;
and ROES 1 through 100; inclusive,

Defendants.

29 Plaintiffs, by and through their counsel of record, Melanie Hill with Melanie Hill Law PLLC,
30 move for a 60-day extension of time to serve process on Defendant David N. Karpel pursuant to
31 Federal Rules of Civil Procedure ("FRCP") 4(m) and 6(b)(1)(A) for good cause shown herein up to
32 and including July 22, 2022. This is the first request to extend the service deadline.

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1 This Motion is made and based upon the applicable Federal Rules of Civil Procedure, the
 2 memorandum of points and authorities to follow, and any oral argument that may be heard on this
 3 matter.

4 **MEMORANDUM OF POINTS AND AUTHORITIES**

5 On February 22, 2022, Plaintiffs commenced this lawsuit against the United States of America
 6 and David N. Karpel by the filing of a Complaint [ECF No. 1]. Therefore, the deadline upon which
 7 to serve all the defendants is today, May 23, 2022. Plaintiffs timely served the United States on May
 8 18, 2022 and also served the United States with the Summons and Complaint for Defendant David
 9 N. Karpel as required pursuant to FRCP 4(i)(2) and (3) on May 18, 2022. However, given that Karpel
 10 has also been sued in his individual capacity, FRCP 4(i)(3) also requires that he be personally served
 11 pursuant to FRCP 4(e)(2).

12 Plaintiffs have hired a process server who is diligently searching for a current address for
 13 Defendant David N. Karpel and have run a skip trace, however the skip trace is still ongoing and has
 14 not yet been completed such that a current address has been located. Karpel is a prior federal
 15 employee that it appears from the search no longer works for the federal government. Karpel's
 16 address is also not listed on the state bar websites for Virginia or Washington, DC, nor the state bar
 17 website for Colorado where Plaintiffs believe Karpel is currently residing.

18 Prior to attempting service on Karpel, counsel for Plaintiff sought an agreement to accept
 19 service of the complaint with Holly Vance, the United States attorney who previously represented
 20 Karpel in another action in Nevada federal court. However, Ms. Vance has informed counsel for
 21 Plaintiffs that she is unable to take any action in this matter at this time because she does not yet know
 22 who will be handling this case. Ms. Vance further advised counsel that she will let counsel know
 23 who will be handling this case once the assignment is made so that she can reach out to that attorney.
 24 Once counsel hears back from Ms. Vance or the attorney that has been assigned to handle this case,
 25 counsel will again request that the United States Attorneys' Office accept service on behalf of Karpel.
 26 Accordingly, for good cause shown, Plaintiffs seek an extension of time of up to 60 days to serve
 27 process on Karpel.

28 / / /

FRCP 6(b)(1)(A) permits a party to file a motion to seek an extension of the deadline to serve process before the expiration of the 90-day time period for good cause shown as follows:

In General. When an act may or must be done within a specified time, the court may, for good cause, extend the time:

(A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires

Fed. R. Civ. P. 6(b)(1)(A).

Here, Plaintiffs have demonstrated good cause to secure an extension in which to serve defendant Karpel based on the efforts to locate him to date and inability to locate a current address for him. Defendant Karpel has also been partially served by serving the summons and complaint on the local United States Attorney's Office in the District of Nevada and mailing it to the Attorney General at the Department of Justice in Washington, DC as required by FRCP 4(i)(2) and (3).

For good cause shown, the court should extend the deadline for Plaintiffs to serve process on Defendant David N. Karpel up to and including July 22, 2022.

Respectfully submitted this 23rd day of May, 2022.

ORDER

**Good cause appearing, IT IS
HEREBY ORDERED that Plaintiffs'
Motion for Extension of Time to
Serve Process on Defendant David
N. Karpel (ECF No. 6) is GRANTED.**

IT IS FURTHER ORDERED that Plaintiffs will have through and including July 22, 2022 to serve David N. Karpel.

David R. Harrell
Clayna J. Zouchah
U.S. MAGISTRATE JUDGE

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